

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-07 FMC-01 INR-07 NSAE-00 SAL-01 CG-00
DLOS-06 OES-06 FRB-03 OMB-01 ITC-01 SP-02 USIA-06
AGRE-00 AID-05 LAB-04 OIC-02 SIL-01 STR-04 TRSE-00
CIEP-01 CEA-01 AF-08 ARA-06 EA-07 NEA-10 /119 W
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R 291719Z DEC 76
FM USMISSION OECD PARIS
TO SECSTATE WASH DC 4809
INFO USMISSION GENEVA

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E.O. 11652: N/A
TAGS: UNCTAD, EWWT
SUBJECT: UNCTAD IPG ON MULTIMODAL TRANSPORT - GROUP B
COORDINATING MEETING (MTC WORKING GROUP ON CONTAINER
TRANSPORT, DECEMBER 20-21)

REF: STATE 305785

SUMMARY: MTC WORKING GROUP ON CONTAINER TRANSPORT MET
DECEMBER 20 BUT, BECAUSE OF LATE ARRIVAL OF DOCUMENTS,
GROUP HELD ONLY PRELIMINARY DISCUSSIONS. GROUP B WILL
MEET AT 10 A.M., JANUARY 10 IN GENEVA. M. FORRESTER
REPRESENTED U.S. ASSISTED BY INDUSTRY ADVISOR JAMES
TOMPKINS. END SUMMARY.

1. GENERAL EXCHANGE OF VIEWS - ACCORDING TO PARA 4 OF
REFTEL, US DEL SAID FIRST SESSION OF THE THIRD IPG WAS
NOT OFF TO A VERY GOOD START. HOWEVER, WE WILL BE
PREPARED TO PLAY AN ACTIVE ROLE ALTHOUGH OUR ENTHUSIASM
HAS BEEN DAMPENED BY INCONCLUSIVE RESULTS OF PRIOR
IPG MEETINGS. SWEDISH DEL (SELVIG) SAID GROUP B SHOULD
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CLARIFY ITS POSITION ON ECONOMIC AND SOCIAL IMPLICATIONS
SINCE THIS ITEM WILL BE DISCUSSED DURING FIRST WEEK OF
PLENARY. AS PER PARAS 6 AND 9 OF REFTEL, US DEL SAID
WE SEE NO BENEFIT IN PROTRACTED DEBATE; WE COULD, HOWEVER,
IN GENERAL TERMS, REAFFIRM US SUPPORT FOR THE
GROUP B STATEMENT ON ECONOMIC AND SOCIAL IMPLICATIONS

OF MULTIMODAL TRANSPORT. REFERRING TO STRIKE AND INADEQUATE SECRETARIAT RESOURCES DURING LAST INTER-GOVERNMENTAL PREPARATORY GROUP, SEVERAL DELS COMMENTED ON FUTILITY OF THIRD SESSION AND EXPRESSED HOPE THAT JANUARY MEETING WOULD BE MORE PRODUCTIVE EXERCISE.

2. PRIVATE LAW, PUBLIC LAW, AND OTHER SUBSTANTIVE ISSUES - VIRTUALLY ALL DELS AGREED WITH US POSITION (PARA 8 REFTEL) THAT PUBLIC LAW ISSUES REMAIN UNACCEPTABLE. WHILE UK DEL SUPPORTED THIS VIEW, FOR TACTICAL REASONS HE APPEARED SOMEWHAT AMBIVALENT. HE SUGGESTED, FOR EXAMPLE, THAT BEFORE GROUP B ADOPTS RIGID POSITION, THAT IT FIRST STUDY G77 PROPOSALS TO GET BETTER IDEA OF THE KIND OF CONVENTION THAT MAY EVENTUALLY EVOLVE.

3. LIABILITY - THE COMMITTEE DISCUSSED AT LENGTH GROUP B DOCUMENT ON LIABILITY AND CARGO INSURANCE. THE NETHERLANDS, JAPAN, UK, DENMARK, TURKEY AND BELGIUM STATED STRONG PREFERENCES FOR THE "NETWORK" SYSTEM, NOT CHANGED IN ANY MAJOR WAY BY LIABILITY COVERAGE. NORWAY AND SWEDEN TOOK DIAMETRICALLY OPPOSED VIEWPOINTS, STATING THAT WHILE A NETWORK SYSTEM WAS, IN THE ABSTRACT, MOST ATTRACTIVE IN THEIR OPINION, IT HAD GREAT DIFFICULTIES IN PRACTICAL APPLICATION. THEY ADDED IT WOULD BE INCAPABLE OF MEETING THE DEMANDS OF ANY CONVENTION OF THE TYPE DEVELOPED BY GROUP B. NORWEGIAN DEL STATED THAT SINCE THE GROUP B PAPER REPRESENTED A GENERAL CONSENSUS OF GROUP B AT THE PAST MEETING IN GENEVA, HE WAS AMAZED THAT THERE SHOULD BE SO LIMITED OFFICIAL USE

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MUCH DISSENSION AT THIS TIME. (IT MUST BE REMEMBERED THAT MR. SELVIG OF NORWAY IS PRESIDENT OF THE CONFERENCE.)

4. MRS. BLOM (SWEDEN) STATED THAT, IN VIEW OF THE FACT THAT THE GROUP B PAPER HAD ALREADY BEEN CIRCULATED, SHE FELT IT WOULD BE VERY UNWISE TO OPEN IT UP FOR CHANGES AT THIS TIME SINCE THIS WOULD, IN HER OPINION, GRAVELY IMPAIR THE CREDIBILITY OF GROUP B ON THIS AND OTHER MATTERS IN GENEVA. FRANCE RESERVED ITS RIGHT OF STATING ITS POSITION WITH REGARD TO LIABILITY CLAUSES UNTIL GENEVA. THE UNITED STATES HAD PREVIOUSLY STATED THAT IT GENERALLY ENDORSED THE GROUP B PAPER BUT RESERVED ITS RIGHT FOR FURTHER CONSIDERATION ON DAMAGES AND LIMITS.

5. UK DEL STATED THAT HE WOULD BE MOST UNHAPPY IF ANY LIMITS WERE SET HIGHER THAN THE PRESENT SEA CARRIAGE

LIMITS AND, FURTHERMORE, THOUGHT LIMITS ON A MULTI-
TRANSPORT SERIES OF LEGS SHOULD NOT BE HIGHER THAN THE

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LOWEST PRESENT LIMITS ON ANY ONE LEG. THERE WAS FINAL
AGREEMENT THAT FURTHER DISCUSSION OF THIS PAPER WOULD
BE TAKEN UP BY GROUP B IN GENEVA AFTER REACTIONS HAD
BEEN RECEIVED FROM THE G77. FRANCE, UK AND JAPAN AGREED
TO THIS WITH THE RESERVATION THAT THEY WOULD COME TO
GENEVA PREPARED WITH FURTHER INSTRUCTIONS ON THIS
SUBJECT.

6. AN OPTIONAL OR MANDATORY CONVENTION - US, UK,
BELGIUM, NETHERLANDS, AND FRENCH DELS SAID IN EVENT A
CONVENTION IS SIGNED, ITS PROVISIONS SHOULD BE OPTIONAL
FOR SHIPPERS. JAPANESE DEL SAID GOJ WAS "RECONSIDER-
ING" ITS ORIGINAL POSITION THAT OPPOSED MANDATORY
PROVISIONS.

7. IPG TACTICS - SEVERAL DELS SHARED BELGIAN CONCERN
THAT G77 HAS ERRONEOUS IMPRESSION THAT GROUP B KEENLY
WANTS A CONVENTION AND G77 WILL, THEREFORE, MAKE CON-
CERTED EFFORT TO INCORPORATE PUBLIC LAW AND BROADER
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SOCIAL, ECONOMIC ISSUES. ALL DELS AGREED THAT GROUP B SHOULD MAKE AMPLE USE OF CORRIDORS TO CLEARLY ARTICULATE POSITIONS, AND EXPLAIN TO G77 THAT A CONVENTION IS NOT A HIGH PRIORITY CONCERN, AND IF AGREEMENT IS REACHED, ITS SCOPE MUST BE LIMITED. FRENCH DEL SAID THAT WHILE GOF ATTENDED PLENARY SESSION ONLY, GOF INTENDS TO PARTICIPATE IN WORKING GROUP. US DEL VOICED SUPPORT FOR FRENCH PARTICIPATION IN WG. SWEDISH DEL SAID THAT WHILE NO COUNTRY SHOULD BE PREVENTED FROM JOINING WG, A GROUP B INCREASE COULD TRIGGER INCREASES FROM OTHER GROUPS. HE NOTED, HOWEVER, THAT THIS WAS MORE A QUESTION OF FORM THAN SUBSTANCE.

8. DOCUMENTS - ALL DELS SAID BASIC DOCUMENTS (TD/B/AC 15/19 & 15/20) ARRIVED TOO LATE FOR ADEQUATE REVIEW AND COMMENT. (FRENCH DEL COMPLAINED THAT HE RECEIVED ENGLISH VERSION ONLY LAST WEEK.) HOWEVER, IN TOUR DE TABLE, MOST DELS AGREED WITH US DEL (PARA 2 ABOVE) THAT MANY PUBLIC LAW ISSUES THEREIN CONTAINED WERE UNACCEPTABLE. UK DEL SAID THAT AFTER CURSORY READING, DOCUMENT APPEARED FAIRLY CORRECT WITH ONLY "MINOR INACCURACIES". UK DEL ALSO NOTED THAT TITLE IMPLIES EVENTUAL AGREEMENT ON A CONVENTION. HE THEREFORE SUGGESTED LANGUAGE WITHOUT SUCH AN IMPLICATION. COMMITTEE AGREED TO DEFER DEFINITIVE DISCUSSION TO JANUARY IPG SESSION (PARA 2 OF REFTEL).

9. COMPOSITION OF GROUP B AND COORDINATOR - MOST DELS SAID THEIR DELEGATIONS TO GENEVA MEETING WILL PROBABLY REMAIN UNCHANGED AND WILL INCLUDE INDUSTRY REPS. WHILE MRS. BLOM WILL NOT BE PRESENT FOR FIRST TWO DAYS OF GENEVA SESSION, SHE WILL ATTEND BALANCE. ON THIS BASIS, US DEL SUGGESTED THAT SHE CONTINUE AS GROUP B COORDINATOR AND THAT GANTEN (FRG) CHAIR OPENING SESSION. COMMITTEE WARMLY ENDORSED US PROPOSAL WHICH BLOM AND GANTEN ACCEPTED.

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10. LAST MEETING - SECRETARIAT ANNOUNCED THAT THIS WAS LAST TIME WG WOULD MEET AND THAT ITS FUNCTIONS WOULD BE ABSORBED BY SPECIAL GROUP ON INTERNATIONAL ORGANIZATIONS CHAIRED BY HINZ (FRG).

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